

REMARKS

Reconsideration of the present application is respectfully requested. No claims have been amended, canceled, or added. Accordingly, claims 1-65 remain pending in the present application.

Claims 1-14, 16-22, 24-35, 37-41, 43-56, and 58-64 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,712,912 to Tomko et al. ("Tomko") in view of U.S. Patent No. 4,453,074 to Weinstein et al. ("Weinstein"), and U.S. Patent No. 5,719,560 to Watkins et al. ("Watkins"). Claims 1, 24, and 43 recite, in part, the features of "encrypting a user-entered reminder using the non-verifiable personal identifier" and "storing the encrypted data and the encrypted user-entered reminder in the memory."

It is acknowledged at page 3 of the Office Action that Tomko does not teach the encryption and storage of a reminder and the reminder being user-entered. Weinstein also does not teach a user-entered reminder. Instead, Weinstein teaches utilizing a common reference text, such as "AMERICAN EXPRESS," encrypted with an issuer's key. The reference text is universally used and not user-entered. The Office Action asserts that Watkins teaches a user entered reminder at col. 4, line 61 - col. 5, line 5. Applicants respectfully disagree.

Instead, Watkins teaches a user answering personal questions to ascertain identity. Each user is allocated a number of highly personal questions. When the questions are allocated, the user provides answers to the questions. *See* Watkins, col. 4, lines 61-64. Answering personal questions as taught by Watkins is not analogous to a user-entered reminder as taught in claims 1, 24, and 43 of the present application.

Furthermore, Applicants submit that combining Watkins with Weinstein would render the invention of Weinstein unsatisfactory for its intended purpose. "If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." *See* MPEP, §2143.01. The teachings of Weinstein show that a **common** reference text for all users is imperative. If a non-common user-entered reminder is used, then the system of Weinstein would be rendered

unsatisfactory for its intended purpose. The purpose of the reference text (e.g., AMERICAN EXPRESS) of Weinstein is to allow a transaction terminal to ascertain that the password is correct for each card issuer (e.g., American Express). The transaction terminal stores the possible reference texts to ensure proper decryption. *See* Weinstein, col. 6, lines 1-5. Applicants submit that it would not be possible for each user to create an individual reminder and have that reminder stored at every transaction terminal. This would require copious amounts of memory and constant updates. Therefore, Applicants submit that the system of Weinstein could not be altered to include the feature of a user-entered reminder without rendering Weinstein unsatisfactory for its intended purpose. Applicants respectfully submit that claims 1, 24, and 43 distinguish over the combination of Tomko, Weinstein, and Watkins and request that the §103 rejection of claims 1, 24, and 43 be withdrawn.

Claims 2-14, 16-22, 25-35, 37-41, 44-56, and 58-64 are either directly or indirectly dependent from one of claims 1, 24, and 43 and should distinguish over the combination of Tomko, Weinstein, and Watkins for at least the same reasons as stated above. Applicants respectfully request that the §103 rejection of claims 2-14, 16-22, 25-35, 37-41, 44-56, and 58-64 be withdrawn.

Claims 15, 23, 36, 42, 57, and 65 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tomko, Weinstein, Watkins, and further in view of U.S. Patent No. 6,088,450 to Davis et al. ("Davis"). Claims 15, 23, 36, 42, 57, and 65 are either directly or indirectly dependent from one of claims 1, 24, and 43 and should distinguish over the combination of Tomko, Weinstein, and Watkins for at least the same reasons as stated above. Davis does not remedy the deficiencies of Tomko, Weinstein, and Watkins in that Davis also does not teach a user-entered reminder. Instead, Davis has merely been cited for the purpose of teaching the imposition of a time delay for accessing resources. *See* Office Action, page 6. Applicants submit that claims 15, 23, 36, 42, 57, and 65 distinguish over the combination of Tomko, Weinstein, Watkins, and Davis and request that the §103 rejection of claims 15, 23, 35, 42, 57, and 65 be withdrawn.

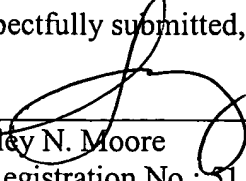
Application No.: 09/525230

Docket No.: 34650-00492USPT

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Dated: 9/15/04

Respectfully submitted,

By 
Ashley N. Moore

Registration No.: 51,667

JENKENS & GILCHRIST, A PROFESSIONAL
CORPORATION

1445 Ross Avenue, Suite 3200

Dallas, Texas 75202

(214) 855-4500

Attorneys For Applicant